

# **The Role of the Study-Work School: A Chinese case study on early intervention and child-centred juvenile justice**

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## **Abstract**

Despite governmental and cultural differences, many jurisdictions are experiencing common tensions between care and control within juvenile justice. The study-work school is an early intervention measure in China aiming at child protection and crime prevention. Relying on empirical data, this article seeks to explore some characteristics of the study-work school, the role it plays and the challenges facing it. It is hoped that the findings here will inform local policy and practice, make contributions to the increasing international body of literature on comparative juvenile justice studies and help a better understanding of the implementation of global policy in local settings.

## **Keywords**

Study-work School, Child Protection, Early Intervention, Juvenile Justice, China

## **Introduction**

Despite considerable governmental and cultural variations, many jurisdictions are experiencing common tensions within juvenile justice in designing measures to prevent future law-breaking and developing mechanisms to respond to past offences (Muncie, 2015). There has been ‘a near global consensus that all children have a right to protection, to participation, to personal development and to basic material provision’ (Muncie and Goldson, 2006: 210-211) perhaps as a result of policy transfer and international agreements. In the field of comparative juvenile justice, two common questions are frequently asked: first, how different systems tackle a shared problem; second, how different jurisdictions, shaped by local culture, history and political arrangement, implement international agreements and global trends in the protection of juveniles and young people. This article uses the study-work school – a Chinese case study – to seek to answer these questions.

Admittedly, China is a country with a culture of punitiveness (Bakken, 2008) and the Chinese criminal justice system maintains many traditional punitive principles and practices and differs quite significantly from those typically found in the Western, developed world. However, youth justice in China is an exception and operates on similar core principles based on social reintegration (Lo, Maxwell and Wong, 2006; Shen and Hall, 2015).

In China, social policy, including juvenile justice policy, is deeply rooted in Confucian philosophy. Confucianism emphasises human agency to be guided by moral rules which are thought to be possibly brought about by education (Dikötter, 2002). Over the years, the function of education in shaping individuals’ thoughts and behaviours has been widely recognised in the Chinese society (Shen and Hall, 2015).

Secondly, Confucius encourages amending faults by claiming that a fault that is not amended is a real fault (Ding, 2008: 79). For children and young people, the traditional saying – ‘a *lang-zi* (prodigal son) who returns is more precious than gold’ – suggests that those who have behaved badly can change and that those who have changed should be accepted and welcomed. The Confucian philosophy forms the cultural basis for a belief in the rehabilitation of children and young people.

Thirdly, Confucianism acknowledges the inequality of people and thus children, as weaker members of society, deserve pity, who should not be subjected to punishment even though they may have committed a crime (Bodde, 1973); Instead, they should be guided to seek self-reform. In this philosophical context, the general juvenile justice principles in contemporary China have been education, *ganhua*, and rescue (see LPM 1991; LPJO 1999). The notion of *ganhua* is based on a Mencian belief. Mencius – a key successor of Confucius – contends that one can achieve self-improvement only through proper institutional guidance (Dikötter, 2002). Therefore, in responding to juvenile offending, there is a strong emphasis on prevention, early intervention, rehabilitation through education, the use of informal mechanisms and the crucial role of the whole society as the initial means to reintegrate young people before legal and punitive sanctions are brought into play (Shen and Hall, 2015).

Moreover, Chinese people believe in *fang-huan-yu-wei-ran* – literally, it is better to deal with the causes before fires break out – and emphasise prevention rather than having to deal with the consequences of a bad event, such as juvenile offending. Crime prevention is particularly emphasised in the field of child protection. It is in this cultural and philosophical context that the study-work school has developed in China, as an early intervention mechanism available exclusively to school-age juveniles, usually at 13 up to 18 years of age.

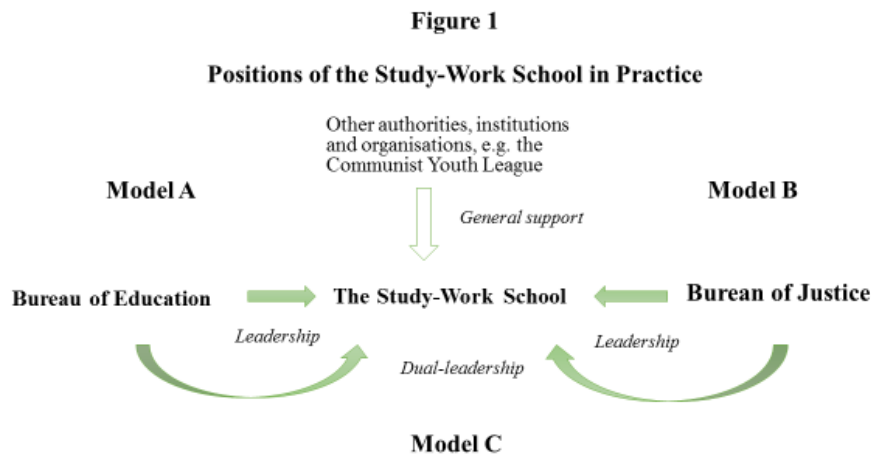
Broadly speaking, the *Chinese Criminal Law* (CCL 1997), *Law of Compulsory Education* (LCE 1986), *Law on the Protection of Minors* (LPM 1991), and *Law on the Prevention of Juvenile Offending* (LPJO 1999) form the legal basis of the study-work school. In China, while the age of criminal liability is 14, juveniles at age 14-16 are criminally liable only when they have committed extremely serious offences, such as murder, assault causing deaths or grievous bodily harm, rape, robbery, drug trafficking, and so on. To deal with juvenile ‘wrongdoers’ under the ages of criminal liability, the CCL 1997 empowers the courts to order the parent(s) of the juveniles concerned to exercise control and provides that where necessary the juvenile may be subjected to ‘shelter for rehabilitation’ (shou-rong-jiao-yang). Although the law offers no implementation details, it recognises a need for special facilities for children and juvenile ‘wrongdoers’.

From a different perspective, the LCE 1986 defines the nine-year period of compulsory education and imposes a legal duty on the parent(s) of any child who has attained to the age of six to have them enrolled in school. It specifies that local governments may run ‘specialised schools’ to enable juveniles who have displayed ‘seriously unhealthy behaviour’ to receive compulsory education. This ‘legal recommendation’ is echoed in the LPM 1991 which further specifies that ‘specialised schools’ shall offer moral, legal, knowledge, skill, and vocational education. However, ‘seriously unhealthy behaviour’ is not defined in either statute.

It is the LPJO 1999 that finally defines ‘unhealthy’ (*bu-liang*) and ‘seriously unhealthy’ (*yan-zhong-bu-liang*) behaviours and also first spells out the ‘study-work school’. The legal definitions cover a range of delinquency: *Unhealthy behaviours* include truancy, running away from home and staying out at night, carrying controlled weapons, fighting, swearing or using abusive language, begging with force, stealing, vandalising, gambling, watching or listening to pornographic programmes, entering entertainment places where by law and regulations

juveniles are not permitted, and other behaviours that seriously violate the social morality; *Seriously unhealthy behaviours* refer to wrong-doing that causes serious harm to society but does not amount to crime that deserves criminal sanctions, including gathering to provoke trouble and disrupting public order; repeatedly carrying controlled weapons; repeatedly intercepting and beating up others or begging with force; disseminating pornographic materials; engaging in promiscuity, unlawful sexual activities or prostitution; habitual theft; repeatedly participating in illegal gambling; taking drugs, and other such seriously unhealthy behaviours.

The legal definitions appear to reflect the meanings and sentiments that prevail in popular culture in China and the listed behaviours are essentially deviancy in sociological terms (Lemert, 1967; Kitsuse, 1962) or ‘risk’ and ‘high risk’ factors typically identified in youth justice studies in the West (Muncie, 2015). Although legally defining deviance or risk factors may incur some contestation in culture and theoretical difficulties in legal and academic circles, Chinese culture and law together adopt a pragmatic approach governed by the principle that a consensual view of deviance helps to solve problems in practice – an approach that prioritises problem-solving above both retribution and deterrence (Shen and Hall, 2015). In this legal and political context, the law specifies that juveniles who have displayed *seriously unhealthy* behaviours may be subjected to the study-work school for their education and rescue. Figure 1 below illustrates the position of the study-work school in the Chinese administrative system. I will return to this figure later and discuss it further.



The first study-work school was established in Beijing in 1955 to deal with the ‘bad kids’ (Shi, 2014; Xiang and Sun, 2009) and gradually they expanded nationwide. Initially, as suggested by its name, the study-work school provided two lines of activities: study and labour work which aimed ‘to turn students who had been involved in wrongdoing and minor law-breaking to self-reliant socialist workers’ (*Xinhua News*, 2004). Outside China, Curran and Cook (1993: 311) once contended that ‘the placement of juveniles in the work-study setting integrates the positive reinforcement of the community’ and therefore helps their healing. In China, study-work schools are recognised as ‘the bottom line of defence’ for juveniles and thus to play an unreplaceable role in early intervention (Shi, 2014; Zhou, 2014). W. Chen (2014) goes further and asserts that ‘having one more study-work school may avoid one more prison’.

However, due to a combination of diminishing effectiveness in a context of changing social circumstances and a growing awareness of the deleterious effects that can follow the labelling of young people, the use of the study-work school has declined since the mid-1990s (Shen and Hall, 2015). Firstly, the number of study-work schools is declining and declining rapidly: there were 220 of them in the mid-1960s (Shi, 2014: 68) but only 82 remained in 2005 (Ministry of Education, 2015) and 67 in 2007 (Research Unit of Juvenile Right Protection and

Crime Prevention, thereafter ‘Research Unit’, 2007). Secondly, the facility has developed unevenly across the country. For example, Beijing – the capital of China – has six study-work schools; there are 13 in Shanghai – a municipality directly under the Central Government (Beijing GGW, 2013) but only two in Guangdong – a developed coastal province with more than one billion population (Lei, 2014). Thirdly, the level of demand differs considerably in different regions. A survey (Research Unit, 2007) shows that in one academic year four study-work schools had no students at all; in the Mentougou School near Beijing there were only two students (*Beijing Youth Daily*, 2014). However, in Guangzhou – the capital city of Guangdong province – nearly 3,000 students were ‘queuing for 100 places in the only study-work school’ (*Xinxi Shibao*, 2003). Therefore, the facts are mixed.

Unsurprisingly, these mixed facts have also led to mixed perceptions. On the one side, Peng (2006) claims that having one more study-work school cannot avoid having one more prison and that the practice has come to its end and should be closed down altogether. On the other side, Zhou (2014) argues that the study-work school, as the only alternative for juveniles who are deemed unsuitable to study in the conventional education system, is hugely demanded and this argument seems to be in line with the current policy on juvenile crime prevention. The Comprehensive Treatment Strategy (*zong-he-zhi-li*), implemented in the beginning of the 1990s, requires the cooperative participation of all agencies and the use of coordinated multiple measures (Wang, 2006). Under this strategy, informal educational and supervisory programmes are the most important means and thus the study-work school is inevitably a common measure for juveniles (Shen and Hall, 2015). In 2006 a Bill was proposed to amend the *Law on the Protection of Minors*, in which the study-work school was emphasised and formally recognised as an effective measure for juvenile crime prevention and a supplementary facility in school education. The Bill was strongly supported by the Standing Committee of the National People’s Congress (NPC, 2006; *Xinhua News*, 2006) although it has not been formally

approved. It is observed that in recent years the study-work school has been incorporated into the newly developed restorative justice schemes (Shen and Antonopoulos, 2013; Wang and He, 2012) and therefore placed in the restorative justice framework (see Lo, Maxwell and Wong, 2006). Considering its underlying principles, Braithwaite (2002) also views it as a restorative measure for juveniles and ‘a hopeful development’ in China.

So, what do we know for certain about the study-work school? There appear to be gaps in existing literature about this unique early intervention facility practised in China. To fill in the knowledge gaps, this study, relying on empirical data, aims to explore some characteristics of the study-work school, the role it plays, and the challenges facing it. It is hoped that the findings will provide a firm answer to the two questions asked in the beginning of this article, inform local policy and practice, and also make contributions to the increasing international body of literature on comparative juvenile justice studies so as to help better ‘unravel the relative import of internal, national dynamics and external, international contexts and constraints’ (Muncie and Goldson, 2006: 196).

This article has four sections. Following the introduction, the second section outlines the methodology of this study. The third section discusses the empirical findings. Finally, the concluding section provides a synthesis of the evidence presented and offers several implications for theory, policy and practice.

## **Methodology**

Given the aim of this study, qualitative methods were most appropriate to gather empirical data (see Layder, 2013) and semi-structured interviews were conducted with five students and five members of staff at a study-work school in the capital city of a southeast coastal province of China in August and September 2013. Ethical approval was obtained in the UK and access to



the sample school was gained through a personal contact of the researcher in China. In addition to the primary data, secondary information was also consulted to collaborate with primary data analysis (Hagan, 1997), which included the published scholarly work gathered from the CNKI (China's largest academic database) and open source materials, such as news reports, which offered rich anecdotal information (Shen, 2015).

### *Sampling and interviews*

The convenience sample method was adopted. The staff interviewed included the male headmaster, one female and three male tutors. The interview with the headmaster was arranged in advance whilst other staff respondents and the student respondents were chosen randomly from those available at the campus. The staff respondents were approached by the researcher, accompanied by the contact and all of them agreed to participate after the purposes of the interviews were explained to them. As to the student interviews, the general consent of gatekeepers was obtained in advance and the participants were the 'snowball sample' (Patton, 2002) who were randomly invited by the staff respondents. Both the staff and student respondents were fully informed of the voluntary nature of participation, anonymity, and confidentiality at the time when they were invited as well as at the start of each interview. In this article, pseudonyms, for example CZ, LSF and ZY, are used to ensure anonymity for the staff respondents whilst S1, S2, and so on are used to quote the student interviewees.

The participants were interviewed individually, except one female student who asked to be accompanied by a female classmate of hers and thus the two students were interviewed together as a pair. Interviews with the members of staff were conducted in their offices individually, whilst the students were interviewed in a small waiting room outside the general activity room which was vacant at that time of interviewing.

The interviews lasted between 35 minutes and around two hours and were digitally recorded except those of the female tutor and one male student who preferred not to be recorded and brief notes were taken in these interviews. All interviews were transcribed, simultaneously word-processed and translated from Chinese to English as soon as practically possible on the same date of the interviews. The data was analysed manually and a grounded theory approach was employed for coding which enabled the relevant themes and variables to emerge (Withrow, 2014).

### *Participants*

There were 57 teaching and supporting staff and about 180 students at the sample school, including 17 girls who were studying in the same class. The staff-student ratio was 1:3 (usually 1: 17.5 in ordinary schools for juveniles of the same age group). The staff respondents were all teaching staff aged between 26 and 52, who had worked in the sample school for three to 31 years. All of them obtained teaching qualifications from colleges or universities and one had a master's degree in education.

The student respondents were aged between 15 and 17: four of them had been in the sample school for one year or nearly two years and one was enrolled only a month ago. As to family background, one student was brought up a single-parent family; except one, all other students were from single-child families. The student respondents described their families as 'ordinary' or 'financially ok' and their parents as 'very strict', 'moaning a lot', 'controlling too much', or 'always busy'. All of the student respondents reported to have been physically punished by their parent(s), including the two girls who had both been slapped by their fathers previously. The student respondents openly admitted that they had bad influences from their peers whom they met at school, in their neighbourhoods and at internet cafes, nightclubs and Karaoke bars and with whom they remained as friends. However, none of the student respondents had been involved in crime. S3 said that she once ran away from home, which was

reported to the police by her mother; S4 revealed that she was once caught for seeking fights and causing minor injuries to a female rival of hers, but neither received formal cautions.

### *Limitations*

It is worth noting that China is a country with wide divergent regional differences, that the respondents were selected from only one school, and that the sample size is small. However, while the results cannot be taken as general findings which apply to all cases, the sample school is typical in many respects and therefore there is no reason to doubt that the findings have wider value and applicability which of course can be tested by future studies.

## **The Study-Work School Today: Empirical findings**

### *Some characteristics of the study-work school*

As indicated earlier, by law, the study-work school is a form of specialised education for school-age juveniles who have displayed certain legally defined deviancy and aims to change their behaviours through education. In practice, however, the picture is not so clear. Liu (2004) finds that some study-work schools accept juvenile offenders under 18 who are given suspended custodial sentences and thus are used as a diversionary mechanism in the juvenile justice system, whilst more often ‘problematic students’ are enrolled, including not only those who have displayed ‘unhealthy behaviours’ but also those who have behaviour problems and learning disabilities (Shi, 2014; Shi and Xie, 2012). In some places, even disabled students and any school-age juveniles are accepted so as to enable a sufficient student number for the study-work schools to run and survive (Research Unit, 2007: 68). The sample school, as many others, accepted ‘problematic students’ as well as those with behaviour problems and learning difficulties, as ZY, the headmaster, explained:

Our students are typically resistant, impulsive and deemed to be unsuitable to study at their previous schools. I think sometimes their unhealthy behaviours are associated with their behaviour problems and learning disabilities. In our school, few students have displayed seriously unhealthy behaviours. Several were involved in minor law-breaking such as petty theft and street fighting. Convicted juvenile offenders are no longer sent to us.

This account was confirmed by the student respondents. They commonly felt that they had various ‘problems’ and were marginalised in their previous schools and that their problems included ‘weariness with studies’, ‘truanting’, ‘tension with one or both parents’, ‘running away from home’, ‘wondering around in the streets’, ‘swearing a lot’, ‘bullying’, and ‘seeking fights’ – largely *unhealthy behaviours* defined in the law. The male student respondents reported that they were ‘addicted to computer games’ and ‘internet browsing’ and all of the student respondents admitted that previously their scores were ‘very bad’ and ‘always at the bottom’ in their classes. Here, there are two indications: first, there appears to be a gap between the types of students whom are assumed by the law to be enrolled in the study-work school and those who were actually enrolled; second, the study-work school does seem no longer to be commonly used as a diversionary juvenile justice mechanism. Rather, it is more an educational facility for certain types of juveniles that provides them with ‘an additional opportunity to complete their compulsory education’, according to LSF – a tutor who had worked at the sample school for over 30 years.

Unlike conventional schools in China, study-work schools are largely boarding schools: some, such as the sample school, adopt the semi-closed management model which allows students to go home at weekends and school holidays whilst others take on the closed management model which tends to exercise tight control over students’ movements (Xiang and

Sun, 2009). Thus Peng (2006) argues that students are deprived of freedom and some are deemed to be under house arrest. Interestingly, this claim was denied by the student respondents who commonly accepted that once they agreed to join this school they should abide by the school rules. This finding should not be surprising, considering the voluntary recruitment policy adopted by study-work schools. According to the law, an application can only be made by the school or the parent(s) of the student concerned, agreed by the student, and finally approved by the local Bureau of Education. According to ZY, the policy is known as '*san-zi-yuan*' (three willingnesses) in practice as it involves an agreement of all three parties – the school, the parents and the student – 'we cannot enrol a student without *san-zi-yuan*'.

Clearly the study-work school is not designed to be compulsory interference for 'problematic' juveniles as are child safety orders in England and Wales. However, some commentators argue that the voluntary policy does have disadvantages. For example, its passiveness has rendered a large number of juveniles who should have been enrolled in study-work schools are left outside (Research Unit, 2007; Shi, 2014; Xu, 2006) and in some places 'deceptive' methods are used to seek to transfer 'problematic students' for their rescue (see [cnhubei.com](http://cnhubei.com), 2004) and this was experienced by S4:

The teachers in my (previous) school told me that in this school, I could do whatever I wanted to do. They said for example I could put on make-up and use curlers... (These are typically banned in ordinary schools). They were lying. In the beginning I felt I was trapped and was very annoyed.

Certainly a method of this kind is unacceptable as it renders student consent meaningless and thus gives rise to human rights allegations and, practically, it is likely to cause student resistance once the pre-provided 'description' is found untrue later. However, surprisingly the interviews reveal that student satisfaction was high in the sample school and that the facility

did appear to have played an indispensable role in specialised education and early intervention for juveniles in need.

### *The role of the study-work school*

Apparently, the study-work school serves as a specialised education provider for ‘problematic’ juveniles who are unable to continue to study at ordinary schools. Although normal knowledge classes are an important part of its curriculum, unlike in an ordinary school (Sun, 2006), academic performance is not so much emphasised at the sample school. Although from the mid-1990s ‘work’ is no longer available, a variety of hobby classes are offered instead to substitute the ‘work’ element in the work-study setting. According to the staff respondents, hobby classes aim to enable students to gain knowledge, experiences, and skills through participating in the student-centred, classroom-based group activities. However, it is not clear whether, and if so, how these outcomes have been achieved.

Another distinctive feature of the sample school as an education provider is that the tutors encouraged, rather than pressurised, their students to learn. According to WY, the female staff respondent, ‘considering our student profile, the teaching methods here have to be tailored to meet their particular needs and therefore often experimental’. For students, being encouraged to learn in a student-centred environment is undoubtedly preferable to being burdened by the exam-oriented classes in their previous schools (Sun, 2006; Research Unit 2007), as S1 noted, ‘I still do not like knowledge classes but feel a lot happier than before because here nobody forces me to study’.

Moreover, distinct from tutors in ordinary schools, the teaching staff at the sample school tended to pay attention to each individual student and such individualised care and attention

seemed to have helped students re-gain a sense of self-worth and respect which was apparently of great importance to them, as S4 explained:

In my previous school, nobody paid any attention to me. Basically, if you were good at something, if that was not study-related, nobody cared... But here teachers can always find something special of you... Our school is like a platform where we can show the best of us.

This partially explains overall high student satisfaction in the sample school. However, except for this descriptive evidence, nothing else seems to be available to quantitatively or qualitatively evaluate the educational performance of the study-work school. Likewise, the interviews reveal that enormous efforts were made to design programmes at the sample school to seek to meet the students' needs but little had been done to test their outcomes. Zhou (2014) claims that the measuring instruments are hardly unavailable, whilst according to Lo, Wong and Maxwell (2006), the issue is not about the availability of instruments; rather, the major concern is the unclear goal of the study-work school and it is the lack of clear service goals that has hampered the right instruments to be identified to measure the effectiveness of the practice.

Along with the educational function, the study-work school is also expected to play an important role in early intervention. Literature suggests that the facility was initially created to fill in the gaps in conventional education so as to 'educate, rescue and rehabilitate' juvenile delinquents and young offenders (Liu, 2004; Shi, 2014; Xiang and Sun, 2009). However, the data here indicates a shift in practice of the function of the study-work school in juvenile crime prevention: from previously mainly dealing with juvenile offenders to early intervention through education aiming to change the behaviours of juveniles who are believed to be 'at risk'. In the sample school, this role has been exercised in a number of ways. Firstly, it seeks to fully occupy students' school days with classroom-based routine activities, as FLS illustrated:

Everyday students get up at 6.30am. After breakfast, there are the morning self-learning session, PE session, and then three teaching sessions. After the lunch break, another three teaching sessions are provided which are followed by hobby classes. After supper, there are the news-watch and evening self-learning sessions. Finally, their day finishes with a 30-minute oral presentation session before bedtime at 9.30pm.

According to the staff respondents, routine activities would not only discipline the students but also distract them from addictions such as computer games, as CZ explained, ‘our hobby classes, including robot design, seal cutting, cookery, bakery and potting, really attract the students, take a lot of their time, and distract them away from addictions’. This account was confirmed by the student respondents, as S4 noted, ‘Bakery is now my hobby. It occupies me even when I am home. I find myself spend much less time hanging out with my old friends’.

Apart from arranging a ‘busy’ timetable for students so as to occupy them with group activities, the sample school also incorporated moral, behaviour, and legal awareness classes into their curriculum which aimed to actively change the behaviours of their students. According to S3, ‘our school can turn bad kids into good ones’; FLS quoted the positive feedback from the parents who commonly felt that being at this school for a year or more, their children had become much more considerate than before and now were willing to help out with household work at home. This finding is consistent with that in previous studies and often this type of changes is understood to be a result of the moral, behaviour, and legal education specifically offered in the study-work school setting (see Shi and Xie, 2012; Research Unit, 2007; Zhen, 2006). Furthermore, the tutors’ role is worth noting, as CZ remarked:

We routinely tell our students how to behave appropriately... They learn many more social skills here than in ordinary schools. Gradually, our students come to know what



they can or cannot do and what they do may get them into trouble. They would not learn these in their previous schools.

Apparently, knowing boundaries generally helps juvenile students move away from law-breaking. However, again, apart from the descriptive evidence, the early intervention function that the study-work school has exercised appears to be hard to evaluate. Currently, there are only rough estimates.

The first one is to look at the number of students who have been ‘successfully transformed’. For Zhen (2006), usually 85 to over 90 per cent of the study-work school graduates fall in this category, although what amounts to ‘successful transformation’ is not defined. The second estimate is based on the number of graduates who have not been involved in crime during the first year following graduation (*Xinsxi Shibao*, 2003): the lower the number, the more successful a study-work school in early intervention. A more frequently used estimate is to calculate the number of graduates who have become members of the Communist Youth League and of the Communist Party, been enrolled in colleges and universities, or joined the Liberation Army (Beijing GGW, 2013; *Wenhui Bao*, 2001; Xiang and Sun, 2009). The common measure was adopted by the staff respondents and LSF offered an additional figure to claim the significant contributions that the sample school made in juvenile crime prevention:

The crime rate of school-age juveniles has remained under 1:10,000 for some time in our city. Although we cannot say this is only our achievement, at least we can say without us these “problematic” kids would have nowhere to go and are susceptible to crime. I have no doubt that the study-work school is a unique social welfare measure for juveniles in China.

When asked whether he agreed with the saying, ‘having one more study-work school may avoid one more prison’, LSF answered, ‘I am not sure... but I am confident that running one study-work school may possibly stop a prison expanding its scale’. Furthermore, all of the staff respondents pointed out that the study-work school alone was unable to prevent juvenile offending as ‘there are so many criminogenic factors in today’s society’.

Unexpectedly, the connection between the study-work school and the newly developed restorative justice schemes did not surface in the interviews, although the data does show that the students at the sample school had benefited from the Comprehensive Treatment Strategy, as CZ noted:

Retired cadres from the local *Caring for Juveniles Association* come to donate stationary to students once or twice a year and some keep in contact with their corresponding students during school holidays to offer support. A youth court is set up here once a year usually before the summer holiday and the trials serve to warn students not to cross the legal boundaries. Also, several charities offer free counselling services to our students.

Thus, like elsewhere, such as England and Wales (see Muncie, 2015: 300), juvenile crime prevention is also sought to be done in China by ‘a joined-up series of agencies concerned with health and education as well as criminal justice’. However, a fundamental problem in the Chinese context is a lack of evidence of assessments in planning as well as in the evaluation of the intended outcomes and achievements. This, along with other challenges, is threatening the survival of the study-work school and prevents it reaching its potential.

#### *Difficulties and challenges facing the study-work school*

Overall, there appears to be a considerable lack of knowledge in popular, academic, and official discourses as to the nature of the study-work school, how it operates and what it may achieve

and has achieved. This is largely due to a lack of evidence-based approaches in practice and the lack of evidence and knowledge has caused a number of detrimental effects.

Firstly, unlike formal early intervention programmes in the West, such as Youth Inclusion Programmes in England (Gov.uk, 2015), joining a study-work school is voluntary and essentially up to the juvenile concerned, and usually their parents, to determine. A lack of reliable, updated information has meant that public perception is biased by the vague, and often distorted, media depiction. According to the public survey conducted by Research Unit (2007), the study-work school was commonly viewed as an administrative sanction for juvenile offenders, in which students were labelled as ‘bad kids’ who would be negatively influenced by each other and become worse. Consequently, parents tended to refuse to have their children transferred and it was also hard to obtain consent from the juveniles themselves. Without enough students, some study-work schools were forced to close down (Shi, 2014). Here, the dropping number of students was also a concern of the staff respondents and for LSF, ‘we had only about 80 new recruits this year. It does not look good’.

Secondly, knowledge seems to be considerably lacking also at the policy level to inform decision making. As a result, it is unclear how the study-work school should be positioned in the system, what role it should primarily play and in which processes in relation to juveniles, and which level of support it should receive. As Figure 1 above illustrates, in some places the study-work school is placed in the educational system (Model A), such as the sample school, of which the supervisory body is the municipal education authority, whilst in other areas it belongs to the youth justice system and therefore led by the local Bureaus of Justice (Model B). Some study-work schools are under a dual-leadership of both authorities (Model C) (see Xiang and Sun, 2009). Consequently, emphasis is placed differently in their objectives and requirements and accordingly the level of support that study-work schools receive varies in

different regions. For the staff respondents, official support determines the survival, performance and development of a study-work school, as LSF illustrated:

Luckily, we have been fully supported by the municipal government. Other places are not so lucky. A few years ago in SZ (a medium city in the same province), their mayor suddenly decided to close down the study-work school. That's it. The local educational authority had to do what they were told.

Without sufficient knowledge and a clear vision in policy, arbitrary decision-making seems to be inevitable. Perhaps for the same reason, no consensus has been reached in the higher government offices about the future of the study-work school, as LSF observed, 'Within the central government, the Communist Youth League has always been supportive but the view of the Ministry of Education is vague. We feel we are sometimes supported but sometimes neglected'.

In academic circles, whilst there are commentators who question the legitimacy of imposing interventions on the basis of need (Research Unit, 2007), potential stigma, and labelling (C. Chen, 2014; Lo, Maxwell and Wong, 2006; Lin, 2014; Shi, 2014; Zhou, 2014), it is generally believed that early intervention via specialised education produces more good than harm to juveniles concerned. This belief was backed up by the student respondents who commonly 'felt ok' to describe their school to people and, according to S4, 'people say our school is bad probably because they think it collects bad students but we are not bad... our school is not bad at all'; S3 even said that the sample school 'is the best school I have ever been'. However, for their tutors, there were everyday challenges.

The interviews reveal that the study-work school was once used as a compulsory facility for juvenile delinquents and young offenders until the policy shift in the mid-1990s which

places an increasing emphasis on accountability, rationality, and individual interests and rights. Due to the gaps in law and policy as well as the influences of the ‘old’ practices, the staff respondents felt it difficult to draw a clear line between the notion of protection of juveniles from offending through education and that of respect for juveniles’ individual interests and rights. For LSF, the policy requirements are ‘vague’ and ‘we (the staff) have to play the game at the edge of the rules, particularly when dealing with critical students’.

Undoubtedly, methods involving coercion and physical punishment are impermissible and as indicated earlier, in the context of juvenile protection and crime prevention the underlying principles are education, *ganhua* and rescue. As explained earlier, *ganhua* is a fluid concept rooted in Mencian philosophy and commonly used in the contexts of early intervention and offender rehabilitation in China. It can be an informal method, too. Reading about *ganhua* for the first time, one may be attempted to compare it with probation as adopted in some Western jurisdictions such as Britain and the USA. Although they share similar humanitarian concerns, probation differs quite considerably from *ganha* in that probation is a sentencing option in those jurisdictions and an alternative to custody whilst *ganhua* is an informal measure which arguably has never been defined in solid terms. In the sample school, for example, *ganhua* is exercised through regular, usually one-to-one, communications between tutors and individual students, with the tutor explaining to the student what is right or wrong generally in the hope that the student will act on what is said and gradually change their behaviours to become a better person.

*Education* has two meanings: broadly, it refers to education in the general sense; narrowly, it means telling a student off following particular wrongdoing. *Rescue*, however, involves more serious disciplinary procedures. Confusion was often felt in the *education* and

*rescue* practices, as LSF – a tutor who had worked at the sample school for over 30 years – illustrated:

When I have a regular meeting (*ganhua*) with a student we both sit down and discuss things nicely. However, when I *educate* an impulsive student who, for example, has just provoked troubles and seriously upset someone, shall I politely offer him/her to sit down? Or, what should I offer – a chair or a stool? I don't know... Had I got it wrong, would I be accused of using corporal punishment?

This sort of confusion was not uncommon among the staff respondents and this is because previously teachers tended not to let the students sit down while telling them off. However, in the new socio-legal climate today the old 'norms' are increasingly challenged and similar exercises previously regarded as 'normal' in the study-work school setting have now been pointed out to be the disguised forms of corporal punishment and thus condemned (see for example *Beijing Youth Daily*, 2014). However, no official guidelines are available. Therefore, measures that are still used in *rescue* become even more controversial. At the sample school, the 'Strengthening Unit' (*qiang-hua-bu*) was a 'traditional' disciplinary procedure in *rescue* which has been maintained but re-named as the 'Training Unit' (*xun-lian-bu*) to neutralise its punitive nature, as ZY explained:

It is used to sanction students who have seriously breached the rules, for example, leaving school without permission or failing to return without an acceptable excuse. Usually the student concerned is asked to stay in an individual room for a few days to work out what was done wrong and how to prevent it happening. A tutor is designated to accompany the student and provide assistance.

The headmaster stressed that measures like this, although controversial, were necessary because ‘after all we have a role to play in early intervention’. His view was strongly supported by all other staff respondents who however were unsure which measures would be appropriate and acceptable. According to them, ‘the law is vague and lacks details’. Therefore, it is argued that a new law that specifically regulates the study-work school needs to be created (Liu, 2004).

Other studies suggest an overall shortage of resources in the operation of the study-work schools: some schools were struggling to maintain facilities and retain experienced staff (Liu, 2004; Shi, 2014; Research Unit, 2007; Xiang and Sun, 2009; Zhou, 2014); some did not have the capacity to enrol all eligible applicants and had to reject those from migrant families (Research Unit, 2007). C. Chen (2014) argues that overall the study-work school has been marginalised in the educational system and the evidence here may add that this unique juvenile-centred early intervention facility is also neglected in the extended juvenile justice system and restricted from reaching its potential. In addition, as an academic subject, the study-work school is incredibly under-researched (Shi, 2014).

## **Discussion and Conclusions**

This article began with two questions commonly asked in the field of comparative criminal justice in general and juvenile justice in particular and aimed to use the Chinese case study of the study-work school to seek answers to them. By doing this, the findings of this article are threefold.

Firstly, while in the Western, developed world, research has shown that critical moments in the early teenage years are key to pathways out of offending (see for example McAra and McVie, 2010) and therefore methods involving early interventions are regarded as ‘most hopeful’ in tackling crime (Farrington and Welsh, 2007; Youth Justice Board, 2007), in China the concept of early intervention has long been promoted philosophically and practised in the

context of child protection (see also Lo, Maxwell and Wong, 2006) despite a general lack of rigorous academic studies on the subject.

As this article demonstrates, the study-work school is a hybrid given its operational characteristics and a unique measure in early prevention and child-friendly juvenile justice: it was designed to involve minimal intervention to direct ‘problematic’ juveniles away from contacting criminal law, which ultimately aims to change juveniles who are considered ‘at risk’ through education. Specifically, it provides specialised education to those who have displayed disorderly, impulsive, and nuisance behaviours and are deemed no longer suitable to study in ordinary schools. It is not a compulsory measure and thus can be opted in and out. The findings in this study, for example high student satisfaction, suggest that the rehabilitative elements of the study-work school are very strong, as compared to the established thought that the Chinese juvenile justice system is highly punitive and it supports that of Lo, Wong and Maxwell (2006). Therefore, it may be said that it is a Chinese way of promoting social inclusion for juveniles and potentially a good practice to achieve the global notions of child protection and child-centred juvenile justice (Muncie and Goldson, 2006).

Secondly, like many other jurisdictions, China is experiencing the common tensions between care and control in juvenile protection and crime prevention and between the protection of children from criminal offending through early intervention and the protection of them from arbitrary state interference. In this context, as this article shows, China shares with Western jurisdictions the same difficulties in attempting evaluate the effectiveness of various policies, models, and projects (Shen and Hall, 2015) but has its own problems and an array of challenges. A fundamental problem for China is the lack of an evidence-based approach in the process of child protection and crime prevention and a practice without assessment and evaluation often results in arbitrary decision-making, a policy without a clear vision, and inconsistency in practice.



Thirdly, from a comparative lens, there are different ways of doing juvenile justice due to cultural differences and differences in local settings. As this article illustrates, China has distinctive cultural tradition, laws, policy and practice and takes different approaches from that in the Western, developed countries to deal with similar problems, whilst at the same time it learns from others and observes international agreements. Policy transfer does shape decision making at home (Pakes, 2010) and in the field of juvenile justice, like many Western jurisdictions, China has been searching for the best solution to deal with the issues concerning the protection of young persons and currently adopts a pragmatic approach aiming to respond quickly to problems in practice, rather than seek to solve problems through policy shifts as has been the case in several Western, developed systems such as Britain (Muncie, 2015; Shen and Hall, 2015). However, as the evidence in this study suggests, the pragmatic approach is certainly not one without flaws and for China, an urgent task is to conduct robust investigations into the current policy and practice; it is also crucial to deliver empirical findings to a broad population so as to inform public and official perceptions, to narrow the gaps between reality and various assumptions, and ultimately to gain consensus of opinion as to rejection or support. For every jurisdiction in the world, a focus on the assessment of risk is required so as to answer difficult theoretical and practical questions in the context of early intervention (Simon, 1988; Muncie, 2015) to impact on policy making; whether youth justice system is the most appropriate place for responding to ‘troubled’ and ‘troublesome’ children and young people (Muncie, 2015) is also an ‘international’ question and, if the answer is universally negative, then what should be the best solution needs to be debated.

Pakes (2010) argues that globalisation can have a profound impact on local criminal justice arrangements and this article, through a Chinese case study, illustrates a local effort to apply the global standard of child protection and the globalising principle of ‘child friendly juvenile justice’ (Goldson and Muncie, 2011). Suitable cultural traits, coupled with the global

trends and local legal developments, make the internationally recognised child-centred principles transferable in China. At the same time, the findings in this study also lend support to the claims that juvenile justice is significantly localised through national, regional, and local enclaves of difference (Muncie, 2005) and that local cultures and governance may ‘well open up an “implementation gap” in which spaces of re-working, re-interpretation and avoidance of national or international trends can be forged’ (Muncie and Goldson, 2006: 214). Therefore, on the one hand, meaningful conversations need to be continued among academics and practitioners internationally to reach a consensus on issues such as the distinction between ‘educative’ and ‘punitive’ interventions (Put and Walgrave, 2006); on the other, it is salient to recognise that cultural differences may not automatically mean rejection or resistance of the global standard or international trends but may mean different approaches, formalities and paces in crystallising international agreements to achieve the same objectives. In this way, the internationally agreed principles will ultimately become part of the local reality of child protection.

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